

Amendments to the Drawings:

Entry of the attached New Drawing, and approval by the Examiner are respectfully requested. No prohibited new matter has been added.

REMARKS

Upon entry of the above amendments, claims 1-38 will be pending.

Reconsideration and allowance of the present application are respectfully requested in view of the above amendments and the following remarks.

Applicants initially note that a new figure 4 (informal) is submitted herewith, for approval by the Examiner. In addition, a Substitute Specification is being submitted. Support for these changes may be found, among other places, after page 11 of provisional patent application no. 60/246,140, filed on November 6, 2000, which has been incorporated by reference into the present application and to which the present application claims priority. See, e.g., the ExpressAlert™ screen shots in the appended ExpressAlert™ brochure. Applicants submit that these screen shots, their descriptions, and remaining portions of the noted provisional application describe to one of ordinary skill in the art (through express, implicit, and inherent system features presented therein) the features depicted by new figure 4 and described by the text corresponding to new Fig. 4. This new text and new Fig. 4 describe an embodiment that supports, e.g., new claim 27.

In the Office Action, claim 9 has been rejected under Section 112, second paragraph. This claim has been cancelled.

All of original claims 1-26 have been rejected under Sections 102 or 103 as being unpatentable over Gerace (US Patent No. 5,848,396) alone, or in combination with one or a grouping of US Patent No. 6,829,334 (Zirngibl et al.), US Patent No. 6,067,568 (Li), US Patent No. 6,026,433 (D'Arlach), and Official Notice.

Applicants respectfully traverse these rejections.

Initially, Applicants note their appreciation and understanding that the Examiner may or may not be giving a broader interpretation to the claims than Applicants expected or presently realize. However, when limitations recited in the claims are compared to the Gerace reference, no specific references are made. In fact, for each claim limitation, the Examiner refers to the same portions of the reference (Abstract, Figs. 3B-5D, and col. 2, lines 1-67). While the undersigned appreciates that rejections of claims as being clearly anticipated are at times proper, the undersigned would benefit from a more specific comparison of each limitation and its counterpart in the reference. This would allow Applicants to consider the manner in which the Examiner is interpreting the claims, and the claim limitations in comparison to the reference, and

perhaps formulate a response taking that into account. Meanwhile, if Applicants do not amend the claims more or do not address a specific interpretation issue with the Examiner now, Applicants face the risk that a next Office Action will be final.

Applicants implore the Examiner to consider making the next Office Action non-final, should rejections be maintained, given the disadvantage presented to Applicants by not making a more specific limitation by limitation comparison in the reference.

Applicants note that Gerace is directed to a system that gathers information about a computer user, and targets advertisements to that user based on the gathered information. The system does not concern the definition of happenings of external events. Accordingly, Applicants submit that even if the combinations proposed in the Office Action were proper, the resulting modified Gerace system would still fail to include the features recited in independent claims 1 and 14. Therefore, it is submitted that claims 1 and 14, and those dependent thereon, are patentable over Gerace alone or in any proper combination with the other applied references and any other references of record.

New independent claim 27 recites, among other limitations, event notification criteria inputs and contact information inputs. None of Gerace or the other references of record teach or suggests these limitations, regardless of whether such references are considered alone or in any proper combination. Accordingly, Applicants submit that claim 27 and each of the claims dependent thereon is patentable.

Applicants request the Examiner to provide evidence of prior art substantiating the statements made starting on page 8 of the Office Action dated August 8, 2005 concerning the Official Notice based rejection. This is required per MPEP 2144.03 C. In this regard, Applicants' representative takes issue with the notion of a legal conclusion, i.e., the obviousness of a feature in a combination, being based on Official Notice. While a fact may be asserted to be so notorious that evidence is not being provided by the Examiner, Applicants assert that a legal conclusion cannot be made in such a fashion.

In view of the foregoing, reconsideration and allowance are respectfully requested. A Notice to that effect is earnestly solicited.

Should there be any questions, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,

Dated: 2/9/06

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PROPOSED NEW FIGURE

Application No. 10/007,461

FIG. 4